

**TAB 8**

 ORIGINAL<sup>1</sup>

IN THE UNITED STATES DISTRICT COURT  
IN AND FOR THE DISTRICT OF DELAWARE

WILLIE DAVIS, JR. )  
NATHANIEL BRIDDELL, )  
GEORGE W. FEDDIMAN, )  
JOSEPH GARRISON, )  
LARRY E. GIBBS, )  
ROY H. WALTERS, )  
ALL SIMILARLY-SITUATED CURRENT )  
AND FORMER EMPLOYEES OF )  
MOUNTAIRE FARMS, INC., )  
MOUNTAIRE FARMS OF DELMARVA, )  
INC., and MOUNTAIRE FARMS OF )  
DELAWARE, INC., )

Plaintiffs, )

-vs- )

C.A. No. 04-0414

MOUNTAIRE FARMS, INC., )  
MOUNTAIRE FARMS OF )  
DELMARVA, INC., and )  
MOUNTAIRE FARMS OF DELAWARE, )  
INC., all Delaware corporations )  
Defendants. )

Deposition of WILLIE DAVIS, taken before  
Pamela C. Washington, Registered Professional Reporter  
and Notary Public, at the law offices of Young,  
Conaway, Stargatt & Taylor, 110 West Pine Street,  
Georgetown, Delaware, on March 15, 2005, beginning at  
10:00 a.m.

APPEARANCES:

On behalf of the Plaintiffs:

Margolis Edelstein

BY: JEFFREY K. MARTIN, ESQ.

and KERI WILLIAMS, ESQ.

1509 Gilpin Avenue

Wilmington, Delaware 19806

On behalf of the Defendant:

Shawe & Rosenthal

BY: ARTHUR M. BREWER, ESQ.

and LAURA PIERSON SCHEINBERG, ESQ.

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Davis - Brewer

1 didn't pay any attention.

2 Q Okay. So you might have been, but you  
3 just don't remember?

4 A No.

5 Q Okay.

6 A I wasn't interested in it.

7 Q Okay, that's fine. What I'm going to  
8 ask you to do, sir, is look at the complaint in this  
9 case. Let's see, what time is it? I'm almost  
10 finished, so why don't we do this: This is the  
11 complaint that was filed in this case, sir, that's  
12 Number 16 for Mr. Garrison's deposition.

13 I'd ask you to go to page 3, number 23,  
14 and that says that the defendant, being Mountaire,  
15 followed and continues to follow a corporate policy  
16 and/or practice that requires/required plaintiffs to  
17 submit a daily time sheet broken down for each day of  
18 the week, okay? Was the time sheet that's being  
19 referred to here, if you know, the time sheet that you  
20 kept for the catchers?

21 A It was kept for the time that we would  
22 start catching on the farm until the time that we  
23 finished catching.

24 Q Okay, and that was for the catchers'  
25 time? You were maintaining the time that the catchers

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B063

Davis - Brewer

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1 worked?

2 A Pretty much so, yes.

3 Q You weren't maintaining time that you  
4 worked?

5 A No.

6 Q Okay. Go to the next page, please, and  
7 look at paragraph 26. I'll let you take a minute and  
8 read that. Just let me know when you have had a  
9 chance to read it.

10 A Yes.

11 Q Okay. Did you ever take a half a day  
12 or something less than a full day off from work from  
13 the time you first became employed until the time you  
14 quit?

15 A From the time that I was employed to  
16 the time I quit?

17 Q Yes.

18 A I was -- I had to go to the hospital  
19 and I spent -- I was out of work there for about  
20 pretty close to two weeks.

21 Q Okay, that's a full day; did you ever  
22 take any half days off?

23 A No, no, no, sir.

24 Q Okay, thank you. Can you take a look  
25 at the next page? I'm sorry, the page after that.

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B064

Davis - Brewer

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1 Q Okay. Who was driving the car?

2 A I could not -- well, I couldn't -- I'm  
3 not going to sit here and say I know who was driving  
4 the car. I know it was Mountaire's car.

5 Q How did you know that?

6 A Because I know, I knew Mountaire's  
7 cars.

8 Q How do you know Mountaire's cars?

9 A Because of their shape, the type of  
10 vehicle they are.

11 Q What type are they?

12 A The Ford Crowns.

13 Q Crown Victoria's?

14 A Yeah. And myself and Roy Walters, and  
15 I don't recall whether it was Mr. Martin or Anthony  
16 and one more of the crew leaders was standing in the  
17 yard when I pointed it out.

18 Q Mountaire isn't the only company that  
19 has Crown Victoria's, are they?

20 A I didn't say, but I'm just saying I  
21 know Mountaire's car. I knew that was Mountaire's  
22 car, I know that.

23 Q How did you know it?

24 A Because I know it was Mountaire's car.  
25 In other words, I know Mountaire's car when I see it.

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